

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARVETTE WILLIAMS,

Plaintiff,

v.

COUNTY OF DAKOTA, NEBRASKA; and
RODNEY HERRON, in his individual
capacity;

Defendants.

8:09CV201

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff's objections to the order of the magistrate judge, Filing No. [219](#). The plaintiff objects to the magistrate judge's order denying its motion to consolidate this case with the case of *Crutcher-Sanchez v. County of Dakota*, No. 8:09CV288 ("Crutcher-Sanchez"), and granting the defendant's motion to bifurcate the cases. Filing No. [216](#). Those objections have been rendered moot by the dismissal of the Crutcher-Sanchez case. See *Crutcher-Sanchez*, Filing No. 240. Similarly, the plaintiff's objection to an amendment of a protective order relates to an order filed in the dismissed case. *Id.*, Filing No. 228, Order (D. Neb. Nov. 19, 2012).

The plaintiff also objects to the magistrate judge's ruling with respect to the deposition of the plaintiff's expert. The magistrate judge ordered the deposition at plaintiff's expense. Filing No. [216](#), Order at 3-4. On review of a decision of the magistrate judge on a pretrial matter, the district court may set aside any part of the magistrate judge's order that it finds is clearly erroneous or contrary to law. [28 U.S.C. § 636 \(b\)\(1\)\(A\)](#); [Fed. R. Civ. P. 72\(a\)](#); *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986). See also *Bialas v. Greyhound Lines, Inc.*, 59 F.3d 759, 764 (8th Cir. 1995) (noting "a

magistrate is afforded broad discretion in the resolution of nondispositive discovery disputes").

Based on his familiarity with the case, the magistrate judge was within his discretion to order the expert deposition at plaintiff's expense. Defendant has not shown that the magistrate judge's findings are clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED that the plaintiff's objection (Filing No. [219](#)) to the order of the magistrate judge (Filing No. [216](#)) is overruled.

Dated this 26th day of February, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge